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PATENT  
Our Docket: P-LJ 5037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Reed et al. ) Examiner: Unassigned  
Serial No.: 10/001,254 ) Group Art Unit: 1642  
Filed: November 15, 2001 ) CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
For: NOVEL DEATH DOMAIN PROTEINS ) "EXPRESS MAIL" MAILING LABEL NUMBER: EV 065 745 860 US  
DATE OF DEPOSIT: June 10, 2002  
COMMISSIONER FOR PATENTS ) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
WASHINGTON, D.C. 20231 DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
Attention: BOX MISSING PARTS "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS  
ADDRESSED TO: COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231.  
Sean P. Davey  
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

MISSING PARTS TRANSMITTAL

Dear Sir:

In response to the Notice to File Missing Parts mailed February 13, 2002, enclosed are:

- X 1. A copy of the Notice to File Missing Parts;
- X 2. An executed Declaration for Patent Application;
- X 3. A Recordation Form Cover Sheet and an executed Assignment;
- X 4. Two executed Small Entity Statements;
- X 5. An executed Power of Attorney for Patent Application by Assignee;
- X 6. An executed Statement Under CFR 3.73(b) with copy of executed Assignment.
- X 7. Thirty-two (32) sheets of drawings.
- X 8. A petition for a two-month extension of time (in duplicate).

The filing fee has been calculated as shown below:

	NUMBER FILED		NUMBER EXTRA		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	56-20	=	36	x	\$9.00	\$18	= \$324.00	\$
INDEPEN- DENT CLAIMS	20-3	=	17	x	\$42.00	\$84	= \$714.00	\$
MULTIPLE DEPENDENT CLAIMS PRESENTED: <u>X</u> YES <u>    </u> NO					\$140.00	\$280	= \$140.00	\$
					BASIC FEE		\$370.00	\$740
					TOTAL FEE		\$1,548.00	

- X 9. A check in the amount of \$1,853.00, to cover the filing fee of \$1,539.00, the surcharge fee of \$65.00, the two-month extension of time fee of \$200.00 and \$40.00 for recording an Assignment for the application is enclosed.

Inventors: Reed et al.  
Serial No.: 10/001,254  
Filed: November 15, 2001  
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X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17.

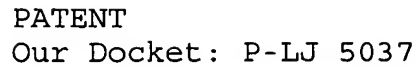
X The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed..

Respectfully submitted

Date: June 10, 2002

By: Melanie K. Webster  
Melanie K. Webster  
Reg. No. 45,201

CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
Telephone: (858) 535-9001  
Facsimile: (858) 535-8949  
USPTO CUSTOMER NO. 23601



In re application of:  
Reed et al.  
Serial No. 10/001,254  
Filed: November 15, 2001  
For: NOVEL DEATH DOMAIN  
PROTEINS

Sir:

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

A business concern whose number of employees, including affiliates, does not exceed 500 persons.  
§ 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business

Inventors: Reed et al.  
Serial No.: 10/001,254  
Filed: November 15, 2001  
Page 2

entities may not be more than 49%. 13 C.F.R.  
§ 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

**(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

Inventors: Reed et al.  
Serial No.: 10/001,254  
Filed: November 15, 2001  
Page 3

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

The Burnham Institute

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

Inventors: Reed et al.  
Serial No.: 10/001,254  
Filed: November 15, 2001  
Page 4

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

1/3/02  
Date

Robert L. Chubb  
Name: President & CEO Robert L. Chubb  
Title: \_\_\_\_\_

Quorex Pharmaceuticals, Inc.  
2075 Corte del Nogal, Suite J  
Carlsbad, California 92009

PATENT

Our Docket: P-LJ 5037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Reed et al.

Serial No. 10/001,258

Filed: November 15, 2001

For: NOVEL DEATH DOMAIN  
PROTEINS



Commissioner for Patents  
Washington, D.C. 20231

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

Inventors: Reed et al.  
Serial No.: 10/001,254  
Filed: November 15, 2001  
Page 2

venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

**(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).



Inventors: Reed et al.  
Serial No.: 10/001,254  
Filed: November 15, 2001  
Page 3

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

Quorex Pharmaceuticals, Inc.

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

Inventors: Reed et al.  
Serial No.: 10/001,254  
Filed: November 15, 2001  
Page 4

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

January 18, 2002  
Date

John M. Campbell  
Name: John M. Campbell  
Title: Director of Intellectual Property

The Burnham Institute  
10901 North Torrey Pines Road  
La Jolla, California 92037



Document: ONE EXECUTED POWER OF  
ATTORNEY (2 pages)  
Attorney Docket No: P-LJ 5037


CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 065 745 860 US

DATE OF DEPOSIT: June 10, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Sean P Dewey  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee



Document: ONE EXECUTED SMALL ENTITY  
STATEMENT (4 pages)  
Attorney Docket No: P-LJ 5037

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Sean P Dewey

Printed Name of Person Mailing Paper or Fee

[Signature]

Signature of Person Mailing Paper or Fee



Document: ONE EXECUTED DECLARATION  
(9 pages)  
Attorney Docket No: P-LJ 5037

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Sean P Dewey

Printed Name of Person Mailing Paper or Fee

[Signature]

Signature of Person Mailing Paper or Fee



Document: ONE EXECUTED STATEMENT  
UNDER 37 C.F.R. § 3.73 (b) WITH  
ATTACHED COPY OF EXECUTED ASSIGNMENT  
(10 pages)  
Attorney Docket No: P-LJ 5037

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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20231.

Sean P Dewey

Printed Name of Person Mailing Paper or Fee

A handwritten signature, appearing to be "Sean P Dewey", written over a horizontal line.

Signature of Person Mailing Paper or Fee



Document: RECORDATION COVER PAGE  
WITH ONE EXECUTED ASSIGNMENT  
(11 pages)  
Attorney Docket No: P-LJ 5037

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Sean P Dewey  
Printed Name of Person Mailing Paper or Fee

[Signature]  
Signature of Person Mailing Paper or Fee



Document: THIRTY-TWO (32) SHEETS  
OF DRAWINGS  
Attorney Docket No: P-LJ 5037

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 065 745 860 US

DATE OF DEPOSIT: June 10, 2002

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Sean P. Dewey  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee



Document: PAPER COPY OF SEQUENCE  
LISTING, Pages 1 - 39  
Attorney Docket No: P-LJ 5037

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 857 041 358 US

DATE OF DEPOSIT: November 15, 2001

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*Karly Tambara*

Printed Name of Person Mailing Paper or Fee

*blanbens*

Signature of Person Mailing Paper or Fee

10031254-11501



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/001,254	11/15/2001	John C. Reed	P-LJ 5037

23601  
CAMPBELL & FLORES LLP  
4370 LA JOLLA VILLAGE DRIVE  
7TH FLOOR  
SAN DIEGO, CA 92122



CONFIRMATION NO. 8329

## FORMALITIES LETTER



\*OC000000007471599\*

Date Mailed: 02/13/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$2356.
 

▪ \$648 for 36 total claims over 20.	01 FC:201	370.00 OP
▪ \$1428 for 17 independent claims over 3.	03 FC:203	65.00 OP
▪ \$280 for multiple dependent claim surcharge.	04 FC:202	324.00 OP
	05 FC:204	714.00 OP
		140.00 OP
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3226.**


The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

---

*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE